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USER CODE: BRIES	REQUESTED BY: Laisha Richardson
CLIENT/MATTER: 47144/275346	OPERATOR: <i>SK</i>

Alston & Bird

Attorney's Docket No. 47144/275346

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Kirkpatrick
Appl No.: 10/807,460
Filed: March 22, 2004
For: MODULAR, PORTABLE, BOTTOMLESS PLANTER

Confirmation No.: 2926
Group Art Unit: 3644
Examiner: Palo, Francis T.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated July 29, 2005, in which the Examiner has required restriction between Group I, namely Claims 34-37, and Group II, namely Claims 1-33 and 38-39.

Applicant hereby provisionally elects with traverse to prosecute the claims of Group II, Species I, Sub-Species H (namely Claims 1-5, 9, 15, 17, and 19-21) and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned directly at (404) 881-4626 so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Meredith W. Struby

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Laisha Richardson

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